

RESOLUTION NO. A-_____

USE PERMIT NO. 04002

1 WHEREAS, Cameron Corporation has submitted an application in accordance
2 with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04002 for
3 authority to construct 112 dwelling units and two outlots in the O-3 Office Park District together
4 with requests to waive the Land Subdivision Ordinance, Zoning Code and Design Standards to
5 reduce required setbacks, to revise the required location for the installation of sanitary sewer
6 and water mains, to allow lots to exceed the maximum 3 to 1 lot depth to width ratio, to allow
7 sanitary sewers to flow opposite street grades, and to waive the filing of a preliminary plat, on
8 property generally located at W. Fletcher Avenue and N.W. 12th/13th Streets, and legally
9 described to wit:

10 Outlot F, Highlands Coalition located in Sections 3 and 4,
11 Township 10 North, Range 6 East and Sections 33 and 34,
12 Township 11 North, Range 6 East of the 6th P.M., Lincoln,
13 Lancaster County, Nebraska;

14 WHEREAS, the real property adjacent to the area included within the site plan
15 for this development of townhomes in the O-3 District will not be adversely affected; and

16 WHEREAS, said site plan together with the terms and conditions hereinafter set
17 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
18 promote the public health, safety, and general welfare.

19 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
20 Lincoln, Nebraska:

21 That the application of Cameron Corporation, hereinafter referred to as
22 "Permittee", to construct 112 dwelling units and two outlots on the property legally described
23 above be and the same is hereby granted under the provisions of Section 27.27.080 of the

Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 112 dwelling units and two outlots.

2. The following waivers to the Land Subdivision Ordinance and Design Standards are approved:

- a. The requirements of Lincoln Municipal Code § 27.27.070 regarding front, rear and side yard setbacks are waived as shown on the site plan as said lots abut a nonbuildable outlot.
- b. The requirement of § 3.4 of the Sanitary Sewer Design Standards regarding location of the sanitary sewer main is waived as the sewer pipe in question is an existing main.
- c. The requirement of § 3.2 of the Water Main Design Standards regarding the location of water main is waived as there is no conflicting use in the alternate location.
- d. The requirement of Lincoln Municipal Code § 26.23.140(e) that a lot shall have a maximum 3 to 1 lot depth to width ratio is waived.
- e. The requirement of Section 3.5 of the Sanitary Sewer Design Standards is waived to allow sewers to flow opposite street grades.
- f. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. This waiver is further subject to the requirement that if any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

3. The Permittee must revise the site plans as follows:

- a. Show the potential layout of Lot 61 with an easement for a future street extension in the event that Lot 61 develops residentially.

- 1 b. Extend the 6' high opaque privacy fence to screen the patios from
2 the street.
- 3 c. Provide a 50% from 6'-15' screen around the perimeter of the site,
4 using deciduous plan materials.
- 5 d. Change W. Webster Gailes Road to W. Webster Street.
- 6 e. Provide a name for each cul-de-sac within W. Royal Dornoch
7 Court.
- 8 f. Add a note to the plan indicating that this development is within
9 the Airport Environs Noise District and all development must
10 comply with Lincoln Municipal Code Chapters 27.58 and 27.59.
- 11 g. Provide hydrant locations to the satisfaction of the Fire
12 Prevention/Life Safety Code section of the Building and Safety
13 Department.
- 14 h. Provide utility easements as requested by Lincoln Electric
15 System.
- 16 i. Add the waiver to the preliminary plat process to the waivers
17 table.
- 18 j. Provide changes as requested by Public Works and Utilities
19 Department memorandum to Becky Horner dated July 7, 2004.
- 20 k. Provide changes as requested by Parks and Recreation
21 Department memorandum to Becky Horner dated July 9, 2004.
- 22 l. Add a note indicating the City will install an 8' tall chain link fence
23 at the top of the retaining wall along a common property boundary
24 in the mid and northern areas of the proposed development to be
25 maintained by the City.
- 26 4. Final plats will be approved by the Planning Director after:
- 27 a. The Permittee must submit a revised and reproducible final plan
28 including 7 copies showing the revisions in paragraph 3 above,
29 and the plans are acceptable.
- 30 b. The sidewalks, streets, drainage facilities, street lighting,
31 landscape screens, street trees, temporary turnarounds and
32 barricades, and street name signs have been completed or the
33 Permittee has submitted a bond or an escrow of security
34 agreement to guarantee their completion.

- 1 c. The Permittee has signed an agreement that binds the Permittee,
2 its successors and assigns:
- 3 i. To complete the street paving of all streets shown on the
4 final plat within two (2) years following the approval of the
5 final plat.
- 6 ii. To complete the installation of sidewalks along both sides
7 of all internal streets and along the west side of NW
8 12th/13th Street and the south side of W. Fletcher Avenue
9 as shown on the final plat within four years following the
10 approval of the final plat.
- 11 iii. To complete the public water distribution system to serve
12 this plat within two years following the approval of the final
13 plat.
- 14 iv. To complete the public wastewater collection system to
15 serve this plat within two years following the approval of
16 the final plat.
- 17 v. To complete the enclosed drainage facilities shown on the
18 approved drainage study to serve this plat within two years
19 following the approval of the final plat.
- 20 vi. To complete land preparation including storm water
21 detention/retention facilities and open drainageway
22 improvements to serve this plat prior to the installation of
23 utilities and improvements but not more than two years
24 following the approval of the final plat.
- 25 vii. To complete the installation of private street lights along
26 streets within this plat within two years following the
27 approval of the final plat.
- 28 viii. To complete the planting of the street trees along streets
29 within this plat within four years following the approval of
30 the final plat.
- 31 ix. To complete the planting of the landscape screen within
32 this plat within two years following the approval of the final
33 plat.
- 34 x. To complete the installation of the street name signs within
35 two years following the approval of the final plat.
- 36 xi. To submit to the Director of Public Works a plan showing
37 proposed measures to control sedimentation and erosion

1 and the proposed method to temporarily stabilize all
2 graded land for approval.

3 xii. To complete the public and private improvements shown
4 on the preliminary plat and use permit.

5 xiii. To retain ownership of or the right of entry to the outlots in
6 order to maintain the outlots and private improvements on
7 a permanent and continuous basis and to maintain the
8 plants in the medians and islands on a permanent and
9 continuous basis. However, the Permittee may be
10 relieved and discharged of this maintenance obligation
11 upon creating, in writing, a permanent and continuous
12 association of property owners who would be responsible
13 for said permanent and continuous maintenance. The
14 Permittee shall not be relieved of such maintenance
15 obligation until the private improvements have been
16 satisfactorily installed and the documents creating the
17 association have been reviewed and approved by the City
18 Attorney and filed of record with the Register of Deeds.

19 xiv. To continuously and regularly maintain the street trees
20 along the private roadways and landscape screens.

21 xv. To submit to the lot buyers and home builders a copy of
22 the soil analysis.

23 xvi. To comply with the provisions of the Land Preparation and
24 Grading requirements of the Land Subdivision Ordinance.

25 xvii. To properly and continuously maintain and supervise the
26 private facilities which have common use or benefit, and to
27 recognize that there may be additional maintenance issues
28 or costs associated with providing for the proper
29 functioning of storm water detention/retention facilities as
30 they were designed and constructed within the
31 development, and that these are the responsibility of the
32 land owner.

33 xviii. To timely complete the public and private improvements
34 and facilities required by Chapter 26.23 of the Land
35 Subdivision Ordinance which have not been waived
36 including but not limited to the list of improvements
37 described above.

38 xix. To post the required security to guarantee completion of
39 the required improvements if the improvements are not
40 completed prior to approval of the final plat.

- xx. To acknowledge that the land is within the airport environs noise district.
- xxi. To acknowledge this parcel is adjacent a golf course and near one of the golf greens.
- xxii. To grant the city access to the city installed 8' high chain link fence for maintenance purposes.
- xxiii. To pay all design, engineering, labor, material, inspection, and other improvement costs.

5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans, including design criteria.

6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor